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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,823	01/30/2004	Jimmy K. Cooper	C-03-0022-U.1	5608

7590 01/11/2005

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EXAMINER

NGUYEN, TRINH T

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,823

Applicant(s)

COOPER, JIMMY K.

Examiner

Trinh T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 6, 7, 9, 10, 12, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by JP2001-269077 (hereinafter is referred to as JP'077).

For claims 1 and 10, JP'077 discloses an illuminating pet leash comprising: a flexible and strong tethering line (7) having a tethering length and first and second free ends; an elongated illuminating light source assembly (4, 11, 12, 13) enclosing the tethering length of said tethering line; and, a hook member (6a, 6) coupled to said first free end and which is adapted to be coupled to a pet collar wherein said tethering line is independent from the elongated illuminating light source assembly so that pulling and tugging forces exerted by a pet on said first free end are isolated from said elongated

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illuminating light source assembly (note that Figures 2 and 4 shows only tethering line (7) is connected to hook member (6a, 6); therefore, the pulling and tugging forces exerted by a pet on the first free end of the tethering line are isolated from said elongated illuminating light source assembly (4, 11, 12, 13)).

For claims 3 and 12, note that JP'077's tethering line (7) can be considered as lightweight.

For claims 6 and 15, JP'077 further discloses a handle assembly (1) coupled to the second free end of the tethering line.

For claims 7 and 16, JP'077 further discloses the elongated illuminating light source assembly comprises: a transparent tube (13) having said tethering length of said tethering line journaled therein; an elongated electro-luminescent light source (11, 12) journaled through said transparent tube; and, an electrical illuminating circuit (4) housed in said handle assembly and coupled to said elongated electro-luminescent light source.

For claims 9 and 18, JP'077 further discloses the electrical illuminating circuit comprises: a battery (2) housed in said handle assembly; an on-off switch (3) electrically coupled to affixed to said handle assembly; and, means for coupling said battery to said luminescent light source.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'077 in view of Keeler (US 5,850,807).

JP'077 lacks a tethering line comprises a leader line which made of a steel wire having a strength of at least 120 pounds.

Keeler teaches a similar pet leash as that of JP'077 in which Keeler's pet leash comprises a tethering line comprises a leader line which made of a steel wire (24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pet lease of JP'077 so as to replace the tethering line with Keeler's steel wire tethering line, in a similar manner as taught in Keeler, since to do so would provide a stronger tethering line. With respect to the limitation that the steel wire having a strength of at least 120 pounds, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the steel wire of a strength of at least 120 pounds, since it has been held that where routine testing and general experimental conditions are present, discovering an optimum value of a result effective variable involves only routine skill in the art. Also, since applicant did not provide a reason and/or showing any criticality as to why the steel wire has to be at a strength of at least 120 pounds, it is believe that through trial and error during the manufacturing process that one comes up with this specific value (i.e., at least 120 pounds) to meet the design criteria.

6. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'077 in view of Lacey (US 4,903,638).

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JP'077 lacks the tethering line comprises a leader line folded about a midpoint on said leader line to form two parallel strands; the first free end comprising a fold at the midpoint; and, the fold loops around a ring of for secure attachment thereto.

Lacey teaches a similar pet leash as that of JP'077 in which Lacey's pet leash includes a tethering line comprises a leader line folded about a midpoint on said leader line to form two parallel strands (14); the first free end comprising a fold (60') at the midpoint; and, the fold loops around a ring (28) of for secure attachment thereto (see Figure 2 of Lacey). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pet lease of JP'077 so as to replace the tethering line with Lacey's folded parallel strands of leader line, in a similar manner as taught in Lacey, since to do so would provide an additional reinforcement to the tethering line.

7. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'077 in view of Akre (US 6,053,129).

JP'077 lacks the handle assembly comprises a pop rivet; and, said second free end of said tethering line coupled to said pop rivet.

Akre teaches a similar pet leash as that of JP'077 in which Akre's pet leash includes a handle assembly (24, 14) having the second free end of a tethering line (16) connected to the handle assembly by an attachment means (22, 18, 20). It is noted that Akre discloses the use of members (22, 18, 20) as attachment means, which is considered as an attachment means functional equivalent to the pop rivet as claimed, for connecting/coupling a tethering line to a handle assembly. Therefore, it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to use either Akre's members (22, 18, 20) or Applicant's pop rivet as an attachment means, since to do so would merely replace one old and well known attachment means with another art equivalent old and well known attachment means.

Response to Arguments

8. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

The examiner's supervisor, Teri Luu can be reached on (703) 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Trinh T. Nguyen', with a long horizontal stroke extending to the right.

Trinh T. Nguyen

Patent Ex.

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1/6/05